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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/789,596      | 02/27/2004  | Joseph Villamar      | 23-0699             | 9064             |

7590 09/22/2004

Attn: Ivar M. Kaardal  
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Sioux Falls, SD 57105-5802

EXAMINER

KING, ANITA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/789,596

Applicant(s)

VILLAMAR, JOSEPH

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the first office action for application number 10/789,596, Wrist Support Device, filed on February 27, 2004.

### ***Drawings***

The drawings were received on August 4, 2004. These drawings are approved.

### ***Response to Amendment***

The indicated allowability of claims 2 and 8 is withdrawn in view of the newly discovered reference(s) to Martin et al. and further consideration of reference to Rice '195. Rejections based on the newly cited reference(s) follow.

### ***Cancellation of Claims***

Claim 2 has been canceled per applicant's request in correspondence filed August 4, 2004.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,340,067 to Martin et al., hereinafter, Martin. Martin discloses a wrist support device (10) for supporting a wrist (23) of a user when the user is using a computer mouse (12), the wrist supporting device comprising: a base member (11) adapted for being selectively coupled to the computer mouse; a cushion member (18)

being coupled to the base member such that the cushion member extends upwardly from the base member, the cushion member being adapted for supporting the wrist of the user to reduce the stress on the wrist of the user when a hand (13) of the user is positioned on the computer mouse; the base member comprising a receiving aperture (@33) extending through the base member, the receiving aperture being adapted for receiving the computer mouse such that the base member extends around a periphery of a lower portion of the computer mouse, the base member being adapted for frictionally engaging the computer mouse to selectively couple the base member to the computer mouse, the receiving aperture being adapted for permitting the computer mouse to function when the base member is coupled to the computer mouse; the cushion member being arcuate such that the cushion member extends between opposing sides edges of the base member, the cushion member being adapted for supporting the wrist of the user from a variety of angles of the wrist with respect to the computer mouse; and the cushion member being positioned adjacent a rear edge of the base member, the cushion member being adapted for being positioned in spaced relationship from a rear of the computer mouse to allow a heel of the hand of the user to be positioned between the computer mouse and the cushion member for greater comfort when the user is using the computer mouse.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Rice. Martin further discloses that the bottom surface (20) of the base member enables the device to glide easily on the user's desk or mouse pad. Martin discloses the claimed invention except for the limitations of a base layer being coupled to the bottom surface, the base layer being a low friction material and the cushion member comprising a compressible material. Rice teaches that it is known in the wrist support device art to have a device comprising a base member (224 or 262), a cushion member (226) being coupled to the base member, a receiving aperture (266), a base layer (230) coupled to a bottom surface of the base member and comprising a lower friction material, and the cushion member being a compressible material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the wrist support device in Martin to have included the base layer as taught by Rice for the purpose of providing an alternative sliding means that is detachable from the base member and being of a low friction for the purpose of allowing the device to glide easily along the user's desk or to allow for a non-skid bottom surface when needed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cushion member in Martin to have included the compressible material as taught by Rice for the purpose of providing comfort for the user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent 6,616,108 to Brophy et al.

Gruenenfelder discloses an ergonomic support system for supporting the wrist of a person and having a cushion member comprising compressible material. Brophy et al. disclose an ergonomic support for use with a computer input device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

September 16, 2004